



General Assembly

February Session, 2002

**Amendment**

LCO No. 4711

\*HB0552104711HD0\*

Offered by:

REP. GREEN, 1<sup>st</sup> Dist.  
REP. HYSLOP, 39<sup>th</sup> Dist.  
REP. DIAMANTIS, 79<sup>th</sup> Dist.  
REP. RACZKA, 100<sup>th</sup> Dist.  
REP. REINOSO, 130<sup>th</sup> Dist.  
REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. HAMM, 34<sup>th</sup> Dist.  
REP. CURREY, 10<sup>th</sup> Dist.  
REP. O'CONNOR, 35<sup>th</sup> Dist.  
REP. PAWELKIEWICZ, 49<sup>th</sup> Dist.  
REP. ABRAMS, 83<sup>rd</sup> Dist.  
REP. MURPHY, 81<sup>st</sup> Dist.

REP. DILLON, 92<sup>nd</sup> Dist.  
REP. GONZALEZ, 3<sup>rd</sup> Dist.  
REP. CARTER, 7<sup>th</sup> Dist.  
REP. SHARKEY, 103<sup>rd</sup> Dist.  
REP. STONE, 9<sup>th</sup> Dist.  
REP. DONOVAN, 84<sup>th</sup> Dist.  
REP. DEMARINIS, 40<sup>th</sup> Dist.  
REP. GERRATANA, 23<sup>rd</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. WILLIS, 64<sup>th</sup> Dist.  
REP. WALKER, 93<sup>rd</sup> Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

*(As Amended)*

**"AN ACT CONCERNING SEARCH WARRANTS."**

1 Strike section 11 in its entirety and insert the following in lieu  
2 thereof:

3 "Sec. 11. (NEW) (Effective October 1, 2002, and in effect until October 1,  
4 2004) (a) In any investigation conducted pursuant to sections 2 to 13,  
5 inclusive, of this act, the Chief State's Attorney, a deputy chief state's

6 attorney or a state's attorney may apply to a judge of the Superior  
7 Court for an order granting immunity from prosecution to any person  
8 whom the state calls or intends to call as a witness if the prosecuting  
9 official believes that the testimony of the person is necessary to the  
10 investigation of the case. If the court finds that the testimony of the  
11 person is necessary to the investigation, the court may grant the  
12 application for immunity. Such immunity shall provide that the person  
13 will not be prosecuted or subjected to any penalty or forfeiture (1) for  
14 or on account of any testimony given or evidence produced by such  
15 person, or for or on account of any evidence discovered as a result of  
16 or otherwise derived from testimony given or evidence produced by  
17 such person, or (2) for or on account of any transaction, matter or thing  
18 concerning which such person gives testimony or produces evidence.  
19 A person who receives immunity under this subsection shall not be  
20 immune from prosecution for perjury or contempt committed while  
21 giving such testimony or producing such property.

22 (b) No person who has been properly served with a subpoena  
23 pursuant to sections 2 to 13, inclusive, of this act and receives  
24 immunity under subsection (a) of this section, shall be excused from  
25 appearing and testifying or producing any property before the  
26 prosecuting official concerning an investigation pursuant to sections 2  
27 to 13, inclusive, of this act upon the ground or for the reason that the  
28 testimony or property required of such person may tend to convict  
29 such person of a crime or subject such person to a penalty or  
30 forfeiture."